

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA  
AT BLUEFIELD

ROBERT NEUNZ,

Plaintiff,

v.

Civil Action No: 1:13-13248

MCDOWELL COUNTY CORRECTIONAL  
CENTER, et al.,

Defendants.

**MEMORANDUM OPINION AND ORDER**

By Standing Order, this action was referred to United States Magistrate Judge R. Clarke VanDervort for submission of findings and recommendations regarding disposition, pursuant to 28 U.S.C. § 636(b)(1)(B). Magistrate Judge VanDervort submitted to the court his Proposed Findings and Recommendation on September 10, 2013, in which he recommended that the district court deny Plaintiff's Application to Proceed Without Prepayment of Fees (Doc. No. 4), dismiss plaintiff's complaint (Doc. No. 1), and remove this matter from the court's docket.

In accordance with the provisions of 28 U.S.C. § 636(b), the parties were allotted fourteen days, plus three mailing days, in which to file any objections to Magistrate Judge VanDervort's Findings and Recommendation. The failure of any party to file such objections constitutes a waiver of such party's right to a

de novo review by this court. Snyder v. Ridenour, 889 F.2d 1363 (4th Cir. 1989).

The parties failed to file any objections to the Magistrate Judge's Findings and Recommendation within the seventeen-day period. Having reviewed the Findings and Recommendation filed by Magistrate Judge VanDervort, the court adopts the findings and recommendation contained therein.

The court hereby **DENIES** plaintiff's motion (Doc. No. 4), **DISMISSES** plaintiff's complaint (Doc. No. 1), and **DIRECTS** the Clerk to remove this case from the court's docket.

The Clerk is further directed to forward a copy of this Memorandum Opinion and Order to petitioner, pro se, and counsel of record.

It is **SO ORDERED** this 2nd day of October, 2013.

ENTER:

David A. Faber  
David A. Faber  
Senior United States District Judge